

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANTHONY CORDOVA,

Plaintiff,

ORDER

v.

3:07-cv-00172-bbc

MATTHEW FRANK, Secretary,
GREGORY GRAMS, Warden, JANEL
NICKEL, Security Director, JANET
WALSH, Psychologist DS 1, DS1 first
shift sergeant, RICKY PLATH, Bldgs
and Grounds Supervisor, CAPTAIN
DYLON RADTKE, Administrative Cpt.,
DR. JENS, Psychiatrist, DR. DANA
DIEDRICH, Psychiatrist and JUSTIN
McLIMANS, Corrections Officer,

Defendants.

In an order dated January 9, 2008, and in response to George v. Smith, 507 F.3d 605 (7th Cir. 2007), I applied Fed. R. Civ. P. 20 to this case and concluded that plaintiff's complaint must be divided into four separate lawsuits. I gave plaintiff until January 23, 2008 to tell the court which lawsuits he intends to pursue and told him that he would be required to prepay the fees for any additional lawsuits in full because he has struck out under 28 U.S.C. § 1915(g). The claims were separated into lawsuits as follows:

Lawsuit #1: Defendants Janet Walsh, Dr. Jens and Dr. Dana Diedrich refused to provide plaintiff with mental health treatment.

Lawsuit #2: Defendants Gregory Grams and Ricky Plath refused to repair poorly sealed windows in plaintiff's cell, causing the cell to become excessively cold.

Lawsuit #3: Defendants Dylan, Radtke, Janel Nickel, Gregory Grams and Matthew Frank enforced prison policies that required food to be delivered through filthy traps in the bottom of cell doors.

Lawsuit #4: Defendant McLimans "bashed" plaintiff into a wall without provocation.

In response to the January 9 order, plaintiff has advised the court that he wishes to dismiss voluntarily claims I identified as Lawsuits ##2, 3 and 4. Therefore, these actions will be dismissed without prejudice and plaintiff will owe no filing fees related to them. Plaintiff states also that he wishes to prosecute Lawsuit #1 against defendants Janet Walsh, Dr. Jens and Dr. Dana Diedrich for refusing to provide him with mental health treatment. The current case, 07-cv-00172-bbc, will contain plaintiff's claims in Lawsuit #1 only.

ORDER

IT IS ORDERED that

1. Plaintiff's Lawsuits ##2, 3 and 4 and defendants Grams, Plath, Dylan, Radtke, Nickel, Frank and McLimans are DISMISSED without prejudice.

2. Plaintiff is allowed to proceed with his claims in Lawsuit #1 against defendants Walsh, Jens and Diedrich.
3. The stay imposed on January 9, 2008 is LIFTED.
4. The parties are advised that a status conference will held before United States Magistrate Judge Stephen Crocker on February 20, 2008 at 9:00 a.m. to set a new trial date and make all necessary adjustments in the schedule.

Entered this 28th day of January, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge